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PUC DOCKET NO. 53315

**PETITION OF LGI HOMES LLC TO § PUBLIC UTILITY COMMISSION
AMEND MOUNTAIN PEAK SPECIAL §
UTILITY DISTRICT’S CERTIFICATE § OF TEXAS
OF CONVENIENCE AND NECESSITY §
IN JOHNSON COUNTY BY §
EXPEDITED RELEASE §**

**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT’S
MOTION TO INTERVENE**

Mountain Peak Special Utility District (“MPSUD”) files this Motion to Intervene in response to LGI Homes, LLC’s (“Petitioner”) Petition for Expedited Release Pursuant to Texas Water Code Section 13.254(a-1) (“Petition”) filed with the Public Utility Commission of Texas (“PUC” or “Commission”). The Petition seeks release of approximately 75 acres located in Johnson County, Texas (the "Property") from MPSUD’s Certificate of Convenience and Necessity (“CCN”) No. 10908. The Petition was filed on March 8, 2022. The PUC’s rule at 16 Texas Administrative Code (“TAC”) § 22.104(b) requires motions to intervene to be filed within 45 days of the date an application is filed with the PUC, unless otherwise provided by statute, PUC rule, or order of the presiding officer. As of the date of this filing, the administrative law judge in this docket has not set a deadline for intervention. This motion is timely filed.

MPSUD shows as follows:

1. MPSUD seeks to participate in this proceeding as an Intervenor. The PUC’s rules provide that a person has standing to intervene if that person: (1) has a right to participate which is expressly conferred by statute, commission rule or order or other law; or (2) has or represents persons with a justiciable interest which may be adversely affected by the outcome of the proceeding.¹

¹ 16 TAC §22.103(b).

2. MPSUD has standing to intervene in this proceeding, as made clear by the PUC's rules, which provide that the CCN holder in an expedited release proceeding is entitled to notice of the petition and may file a response to the petition.²

3. In addition, MPSUD is entitled to intervene because it has a justiciable interest in maintaining its CCN area and protecting its investments in water facilities which may be adversely affected by the outcome of the proceeding. MPSUD also has a justiciable interest in any determination regarding compensation owed to MPSUD as a result of the decertification Petitioner is seeking.

4. MPSUD should be granted party status as an Intervenor in this proceeding.

MPSUD respectfully requests that the Commission grant this Motion to Intervene, declare MPSUD a party to this proceeding, and grant MPSUD any further relief to which MPSUD is justly entitled.

Respectfully submitted,



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**ATTORNEYS FOR MOUNTAIN PEAK
SPECIAL UTILITY DISTRICT**

² See 16 TAC §§24.245(f)(7); (f)(9).

CERTIFICATE OF SERVICE

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on March 14, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.



Leonard H. Dougal